ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Sept. 20, 2021 Case Number: 22-27

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Family Vet Care of Chandler/Dr Jessica Day

Premise Name: Family Vet Care of Chandler

Premise Address: 5995 W Chandler Blvd

City: Chandler State: Az Zip Code: 85226

Telephone: (480) 940-9494

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Cynthia levine

Address: [redacted]

City: [redacted] State: [redacted] Zip Code: [redacted]

Home Telephone: [redacted] Cell Telephone: [redacted]

**STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.*

C. PATIENT INFORMATION (1):

Name: Sammy

Breed/Species: Pomeranian

Age: 7yrs Sex: Male Color: Cream Sable

PATIENT INFORMATION (2):

Name: _____

Breed/Species: _____

Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Dr Day
See above

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

passengers on the flight

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: _____

Date: _____

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

Dr Day prescribed Trazodone for Sammy as we were traveling From Az to Kansas City on August 20th. Sammy had a collapse treach and was currently taking hydrocodine for the condition. About 1-1 1/2 hrs. I noticed Sammy was panting extremly harder than usual. I took him out of the carrier to comfort him and try to calm him down. After boarding the plane I unzipped the carrier and noticed that he had blood in and around his mouth. He was breathing rapidly, tongue was turning a whitish purple and hanging out if the side of his mouth. His breathing was becoming less and less, I said to the passengers next to me that I think my dog is dying. One passenger said to give him compressions. I breathed into his nose and mouth but to no avail. Less than 5 minutes after taking off he stopped breathing and died. I sat there for the next 3 hours with my baby in my arms crying uncontrollably and in the sate of shock.
After much investigation and speaking to vets and Pomeranian owners with dogs that have collapse treachs UNDER NO CIRCUMSTANCES SHOULD MY DOG WITH A COLLAPSE TREACH BEEN GIVEN TRAZADONE. Unfortunatley the vet apparrently did not investigate the dangers of trazadone with dogs that have collapse treachs.

Family VetCare of Chandler 480-940-9494
www.familyvetcare.com

October 1, 2021

To Whom It May Concern:

Cynthia Levine became a client of Family VetCare of Chandler with Sammy, a 6-year-old male neutered Pomeranian, on September 23rd of 2019. At that time, Ms. Levine informed us that Sammy had been diagnosed with Collapsed Trachea. In the review of Sammy's medical records prior to becoming our client, radiographs had repeatedly been recommended but declined with a clear paper trail of prior discussions surrounding the option for tracheal stent placement given severity of cough. We presumed at that point that Collapsed Trachea was clinically suspected, but yet to be radiographically confirmed. Sammy presented to us already prescribed with Hydrocodone for prior episodes of significant coughing and increased respiratory effort. During Ms. Levine's visit on 10/16/19, we recommended radiographs to confirm a Collapsed Trachea as the potential underlying cause of Sammy's difficulty breathing (referred to as "panting" by Ms. Levine). Unfortunately, radiographs were declined by Ms. Levine, citing financial limitations at that time.

On March 31st of 2021, Ms. Levine called and verbally expressed her displeasure with another veterinary hospital that she had been to since we had last seen her and she wanted to come back to see us in order to continue to receive refills on Sammy's medication. She presented Sammy on this day with a history of "panting heavily and wheezing", which she commented had steadily worsened over the last year. Sammy's exam confirmed both an increased respiratory rate (RR=80 breaths/min) and respiratory effort. During her visit we discussed at length her previous experience with veterinarians recommending radiographs and possible referral for stent placement due to the severity of his clinical signs secondary to presumed collapsing trachea. Ms. Levine stated that the stent was not financially feasible for her, but we proceeded with thoracic radiographs to confirm the suspected diagnosis. These were read out by the radiologist as "moderate to severe dynamic tracheal collapse". At this time, Ms. Levine expressed her concern for Sammy's quality of life at home due to his constant respiratory distress (heavy panting, stridor, and coughing). Although she did not previously like the way Sammy reacted to a trial course of steroids, Ms. Levine wanted to try it again at a lower dose to see if it could keep Sammy more comfortable. At this visit we discussed, again, the option for referral and possible stent placement due to severity of Sammy's tracheal collapse. The referral was declined.

Soon after that visit, Ms. Levine elected to take Sammy to a holistic veterinarian to see if any natural options could help with his disease. We saw Sammy back again on July 7th of 2021 for routine lab work on his medications. At this appointment Ms. Levine stated that while the cough

had improved with the low dose prednisone and hydrocodone, Sammy's overall respiratory effort and heavy panting were still very much a concern. In fact, she stated that Sammy's was having difficulty breathing at all times, except when he was asleep. She also commented that she had not appreciated a difference in Sammy's condition after trying the supplements recommended during the holistic veterinary consultation. Ms. Levine decided to wean Sammy off of the prednisone and supplements after this visit and was continuing on with hydrocodone as needed.

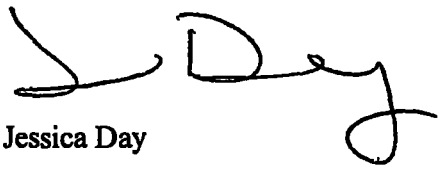
On July 28th Ms. Levine called and requested a sedative for both Sammy and her other dog, Toby, to use while traveling out of state. Trazodone was prescribed to both Sammy and Toby for the in-cabin flight. On August 20th we received a call from a very distraught Ms. Levine. Sammy had gone into respiratory distress on the flight shortly after take-off. She reported that she tried to initiate CPR, but that he passed away soon after take-off. Ms. Levine was convinced that his passing was due to the prescribed trazodone that she had requested. After expressing my sincere condolences for this very unfortunate and traumatizing experience, I tried to reassure Ms. Levine that his passing was likely secondary to his known severe collapsing trachea and underlying respiratory disease. Given the severity of his diagnosis in combination with the stress of traveling, Sammy likely experienced an acute respiratory crisis leading to his rapid decline. As she was now out of state, I immediately recommended that Ms. Levine pursue a local necropsy and that I would be in contact with our hospital manager and the practice owner regarding what protocol we had in place for this specific scenario. I also offered to speak with any veterinarian she took Sammy to in Kansas City if they had any questions that I could help answer. Ms. Levine had confirmed her understanding of our phone conversation at the time, but soon after began harassing and threatening our receptionists.

She repeatedly called and sent text messages demanding that we take responsibility for the death of her dog and provide financial compensation. Our practice owner, Dr. Travis Wodiske, called her that afternoon and again expressed sincere condolences and explained the severity of Sammy's respiratory disease. He offered to cover the cost of the necropsy for Sammy to reassure her that the Trazodone was not the cause of his death as well as the cost of his cremation to support her during this difficult time. In a hostile tone, Ms. Levine repeated declined our efforts to emotional and financially support her. Despite the offers, she continued to harass our staff and threatened retaliation through an attack of our online reputation via social media and the sharing of her story with local news stations. Ms. Levine continued and escalated her verbal abuse with our staff to the point that Dr. Wodiske politely asked her to communicate with respect. As a gesture of goodwill, Dr. Wodiske offered to reimburse all of her expenses for Sammy's health care for the entire calendar year of 2021, to which she initially said was a slap to her face before later calling back to accept the financial support. A check and letter were mailed to the address she provided.

I am devastated for Ms. Levine as I imagine the traumatic experience she endured but, in no way, do I feel like I inappropriately prescribed medications to Sammy. I do what I do to provide the best quality of life to my patients, and would never do something to compromise my patients' wellbeing in any way. I'm terribly sorry for Ms. Levine's experience, but whole-heartedly believe that given the severity of Sammy's disease, any stressful event (flying or otherwise) would have triggered the acute respiratory crisis by which he ultimately succumbed.

We've included the records from her visits at Family Vet Care, including the client communication notes after each contact with Ms. Levine. There are also numerous other records in our file from the multiple vet offices Ms. Levine had taken Sammy to for his collapsing trachea. I would be more than happy to provide clarity on any issue relative to Sammy's case, and can be available at any time to do so.

Sincerely,



Dr. Jessica Day

Douglas A. Ducey
- Governor -

Victoria Whitmore
- Executive Director -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Steven Dow, DVM
Gregg Maura
Justin McCormick, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Marc Harris, Assistant Attorney General

RE: Case: 22-27
Complainant(s): Cynthia Levine
Respondent(s): Jessica Day, DVM (License: 6107)

SUMMARY:
Complaint Received at Board Office: 9/20/21
Committee Discussion: 2/1/22
Board IIR: 3/16/22

APPLICABLE STATUTES AND RULES:
Laws as Amended August 2018 (Lime Green); Rules as Revised September 2013 (Yellow).

"Sammy," a 7-year-old male Pomeranian was presented to Respondent for care and management of a collapsing trachea. The dog was taking hydrocodone for cough and increased respiratory effort.

On July 28, 2021, Complainant requested a sedative for the dog for travel. Respondent prescribed Trazadone.

On August 20, 2021, while Complainant was on the plane with the dog, the dog passed away.

Complainant believes Respondent should not have prescribed Trazadone which led to the death of the dog.

Complainant was noticed and appeared telephonically.
Respondent was noticed and appeared. Responsible veterinarian, Travis Wodiske, DVM, appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Cynthia Levine*
- Respondent(s) narrative/medical record: *Jessica Day, DVM*

PROPOSED 'FINDINGS of FACT':

1. Complainant reported that her dog had a collapsing trachea and had been taking hydrocodone for the condition. She had requested Respondent prescribe a sedative as she would be traveling with the dog – Respondent prescribed Trazadone. Shortly before the flight, Complainant administered Trazadone to the dog.

2. While on the plane, Complainant noticed the dog was panting harder than usual. She attempted to comfort the dog and noticed blood around his mouth. The dog's tongue was turning whitish-purple therefore Complainant attempted to give CPR. The dog did not respond and passed away. Complainant was convinced that the Trazadone prescribed by Respondent was the cause of death.

3. According to Respondent, she intermittently saw the dog. The dog had been previously diagnosed with collapsing trachea and was prescribed hydrocodone due to the dog's cough and respiratory issues. Respondent could not find in any previous medical records where radiographs were performed to confirm the diagnosis – many conversations were had, however, Complainant always declined diagnostics.

4. On March 31, 2021, Respondent finally got Complainant to approve radiographs. They revealed the dog had moderate to severe dynamic tracheal collapse. Respondent referred the dog for possible stent placement, Complainant declined.

5. Complainant tried the dog on prednisone and natural supplements to help with the dog's condition. There was no satisfactory response therefore she stopped giving them to the dog.

6. On July 28, 2021, Complainant requested a sedative for the dog to use while traveling out of state. Trazadone was prescribed.

7. On August 20, 2021, Complainant called to report the dog's death and blamed the Trazadone. Respondent attempted to explain that the dog's passing was likely secondary to his known severe collapsing trachea and underlying respiratory disease. She recommended a necropsy.

8. Complainant repeatedly called the premises demanding they take responsibility for the death of the dog. Eventually, the premises owner refunded Complainant's fees for medical expenses for the dog in 2021 as a gesture of good will.

COMMITTEE DISCUSSION:

The Committee discussed that this was a traumatic experience for the pet owner. However, Complainant was advised over the years the seriousness of the dog's condition. The collapsed trachea was eventually confirmed via radiographs and medical intervention was recommended.

The Committee felt the medications and dosages were appropriate. There were several contributing factors with respect to the death of dog – stress, the dog's medical condition and the excitable, young housemate in the carrier with the dog. Additionally, the trazadone likely did not have time to take effect.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division